

REMARKS

The pending Office Action addresses and rejects claims 11-23.

Amendments to the Claims

Applicants amend claim 11 to include the limitations of claim 13, which is now cancelled. In addition, claims 14 and 16 have been amended to depend from claim 11 and claim 15 is now cancelled. No new matter is added.

Claims Rejections Pursuant to 35 U.S.C. §103(a)

The Examiner rejects claims 11-23 pursuant to 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 4,299,220 of Dorman in view of U.S. Patent No. 5,116,308 of Hagiwara. The Examiner relies on Dorman to teach a drug-delivery system having a housing with a reservoir, a pump inlet port, and a reservoir outlet port formed therein. The Examiner admits, however, that Dorman fails to teach the specific valve assembly and thus relies on Hagiwara to remedy this deficiency. The Examiner argues that “it would have been obvious to substitute the valve assembly of Hagiwara to the system of Dorman” *OA dated Jan. 25, 2007.*

As suggested by the Examiner, Applicants amend claim 1 to clarify that the valve is disposed within the housing. This amendment is sufficient to overcome Dorman and Hagiwara because neither reference teaches or even suggests a valve disposed within the housing. Claim 11, as well as claims 12, 14, and 16-23 which depend therefrom, therefore distinguish over Dorman in view of Hagiwara and represent allowable subject matter.

The Examiner also rejects claim 23 pursuant to 35 U.S.C. 103(a) as being unpatentable over Dorman in view of Hagiwara and in further view of U.S. Patent No. 6,048,328 of Haller et al. (“Haller”). Claim 23 depends from claim 11, and as discussed above claim 11 distinguishes over Dorman in view of Hagiwara. Haller does not remedy the deficiencies of Dorman and Hagiwara because even if the sensor of Haller is added to the modified system of Dorman, the valve will still be external to the housing and the device will not meet the limitations of independent claim 11. Dependent claim 23 therefore distinguishes over the combination of Dorman and Hagiwara in view of Haller at least because it depends from an allowable base claim.

Conclusion

In conclusion, Applicants submit that all claims are now in condition for allowance, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicant if such communication is deemed to expedite prosecution of this application

Respectfully submitted,

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